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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q386121

Munehisa FUJITA, et al.

Appln. No.: 08/915,683

Group Art Unit: 1752

Confirmation No.: 1847

Examiner: WALKE, Amanda C.

Filed: August 21, 1997

For: DIRECT POSITIVE PHOTOGRAPHIC SILVER HALIDE EMULSION AND  
COLOR PHOTOGRAPHIC LIGHT-SENSITIVE MATERIAL COMPRISING SAME

48/6

**PRELIMINARY REMARKS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination, and concurrent with the filing of a RCE, please consider the Third Supplemental Declaration Under 37 C.F.R. § 1.132 of Mr. Takefumi Hara submitted herewith and the following remarks.

Claims 1, 5-7 and 9 are all of the claims pending in the application.

In the Advisory Action dated March 20, 2003, the Examiner considered that it is unclear as to what effect Compound A has on the emulsions and whether the unexpected results are due to the increased amount of the compound in the inventive samples.

Applicants demonstrate that the amount of Compound A does not have any specific meaning in the present invention, and that the unexpected results are due to the control of coefficient of variation of grain thickness.

Particularly, in the Third Supplemental Declaration Under 37 C.F.R. § 1.132, Mr. Hara explains that (i) in preparation of the samples of AgBr grains and those of AgBrI grains in the

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prior Supplemental Declaration under 37 C.F.R. §1.132 dated September 2, 2002, the amounts of Compound A (3,6-dithia-1,8-octadiol) were varied due to the differences in the halogen compositions of AgBr grains and AgBrI grains, and (ii) Compound A is a parameter adjusting the grain shape of the emulsion and the "coefficient of variation of grain thickness."

That is, with respect to AgBr grains and AgBrI grains, in order to prepare emulsion grains with substantially the same "coefficient of variation of grain thickness" so as to allow for comparison of the same, the pBr value and the addition amount of Compound A must be changed.

In the Third Supplemental Declaration Under 37 C.F.R. § 1.132, Mr Hara further shows that the effect of the present invention originates from the factor of "the coefficient of variation of grain thickness" but not from the direct effect of Compound A.

Specifically, Mr Hara conducted a comparative experiment using samples (Sample Nos. 25-28) prepared by adding, as the silver halide solvent, Compound B containing no sulfur atom, instead of Compound A.

The results in Table 3 of the Third Supplemental Declaration Under 37 C.F.R. § 1.132 and the comparisons with the results of Emulsions 13 to 16 show that substantially the same results (similar tendency) were obtained using a silver halide solvent not having a sulfur atom instead of Compound A. That is, Sample Nos. 25 and 26 of the present invention were higher in  $D_{\max}$  and middle sensitivity, but remarkably lower in  $D_{\min}$  and Negative sensitivity than Comparative Sample Nos. 27 and 28.


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The above experimentation concretely demonstrates that the unexpected results of the present invention are obtained independent of the presence of sulfur atom in the silver halide solvent, and further, that control of coefficient of variation of grain thickness is critical to achieving the effects of the present invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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WASHINGTON OFFICE



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